

REMARKS/ARGUMENTS

Claims 32-43 are pending in the application. Claim 32 has been amended, new claims 44 and 45 have been added. No new matter has been added. Reconsideration of the claims is respectfully requested.

New claims 44 and 45 have been added. With the addition of these claims, if an allowance is not granted in the next action, a final rejection would be inappropriate.

Further, claim 45 is a method claim and the examiner is hereby requested to consider this response as a **Suggested Restriction Response** (SRR forms not yet available from the USPTO).

In paragraph 2 on page 2 of the Office Action, claims 32-33 and 37 are rejected under 35 U.S.C. § 112 second paragraph for being indefinite and failing to point out and distinctly claim the subject matter which Applicant regards as the invention. The objection was to antecedent basis in claim 32 and that has been corrected.

In paragraph 9 on page 3 of the Office Action, claims 32-38 and 40-43 are rejected under 35 U.S.C. § 102 (e) as being anticipated by MacWilliams (US Patent No. 6385860).

In paragraph 11 on page 5 of the Office Action, claim 39 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MacWilliams (US Patent No. 6385860).

The rejections under section 102e and 103a are unsustainable because 35 USC sec 103(c) eliminates the MacWilliams reference as prior art.

With respect to sec 103(c), section 102(e) states:

the invention was described in (1) an application for patent, published under section 122(b) [35 USC 122(b)], by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) [35 USC 351(a)] shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated ...

Section 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title [35 USC 102], shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the present case, the cited prior art was assigned at filing to the same assignee as the present invention. A copy of the assignment document (or reel-frame number) is supplied.

There are other reasons why MacWilliams is not applicable prior art but we do not need to reach these reasons in view of Sec 103(c).

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

A petition for a three month suspension of this case is also filed herewith in order to allow for an in person interview with the examiner.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

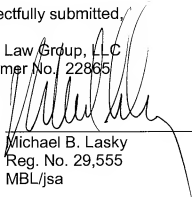
Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date:

31 October 2007

By:


Michael B. Lasky
Reg. No. 29,555
MBL/jsa



UNITED STATES
PATENT AND
TRADEMARK OFFICE

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JANUARY 18, 2002

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Under Secretary of Commerce For Intellectual Property and
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Washington, DC 20231
www.uspto.gov

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
MICHAEL L. SCHWEGMAN
P.O. BOX 2938
MINNEAPOLIS, MN 55402



101901370A

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RECORDATION DATE: 10/17/2001

REEL/FRAME: 012316/0062
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SANFORD, WILLIAM R.

DOC DATE: 09/26/2001

ASSIGNEE:

SMEAD MANUFACTURING COMPANY
600 EAST SMEAD BOULEVARD
HASTINGS, MINNESOTA 55033-2219

SERIAL NUMBER: 09981763

FILING DATE: 10/17/2001

PATENT NUMBER:

ISSUE DATE:

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Schwegman, Lundberg,
Woessner & Kluth, P.A.

JAN 9 2002

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Schwegman, Lundberg
Woessner & Kluth, P.A.

11-27-2001

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Atty Ref/Docket No.: 224.014US1



101901370

To the Honorable Commissioner of Patents and Tra.

record the attached original documents or copy thereof.

1. Name of conveying party(ies):

William R. Sanford

2. Name and address of receiving party(ies):

Name: Smead Manufacturing Company

Additional name(s) of conveying party(ies) attached? [] Yes [X] No

Street Address: 600 East Smead Boulevard

3. Nature of conveyance:

[X] Assignment

[] Merger

[] Security Agreement

[] Change of Name

[] Other

City: Hastings State: MN ZIP: 55033-2219

Execution Date: 09/26/01

Additional name(s) & address(es) attached? [] Yes [X] No

4. Application number(s) or patent number(s):

09/981763

If this document is being filed together with a new application, the execution date of the application is: 09/26/01

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Micheal L. Schwegman

6. Total number of applications and patents involved: 1

Address: Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

7. Total fee (37 CFR 3.41): \$ 40.00

[X] Enclosed

[] Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our
Deposit account number: 19-0743

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Peter G. Maki/Reg. No. 42,832

Name of Person Signing

Signature

Date

Total number of pages including cover sheet: 3

OMB No. 0651-0011 (exp. 4/94)

11/26/2001 LWELLER 00000142 09981763

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ASSIGNMENT

WHEREAS, I, William Sanford, residing at 840 Pearl Street, Prescott, WI 54021, made certain new and useful inventions and improvements for which I executed an application for Letters Patent of the United States on Even Date Herewith, which is entitled LABEL FORM HAVING A TRANSPARENT LAMINATE.

AND WHEREAS, Smead Manufacturing Company, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 600 East Smead Boulevard, Hastings, MN 55033-2219, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefore;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, I have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and I do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, I do hereby agree that I and my executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore I covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me and that full right to convey the same as herein expressed is possessed by me.

IN TESTIMONY WHEREOF, I have hereunto set my hand

this 26th day of September, 2001.

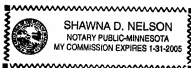
William R Sanford
William Sanford

STATE OF Minnesota)
)ss.
COUNTY OF Dakota)

On this 26th day of September, 2001 before me personally appeared William Sanford to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]

Shawna D Nelson
Notary Public



224.009451



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NOVEMBER 13, 2000

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SCHWEGMAN, LUNDBERG ET AL
MICHEAL L. SCHWEGMAN
P.O. BOX 2938
MINNEAPOLIS, MN 55402



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RECORDATION DATE: 08/11/2000

REEL/FRAME: 011092/0193
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MACWILLIAMS, STEVEN

DOC DATE: 07/25/2000

ASSIGNOR:

BROWN, ARTHUR

DOC DATE: 08/07/2000

ASSIGNEE:

SMEAD MANUFACTURING COMPANY
600 EAST SMEAD BOULEVARD
HASTING, MINNESOTA 55033-2219

SERIAL NUMBER: 09516683

FILING DATE: 03/01/2000

PATENT NUMBER:

ISSUE DATE:

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
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Schwegman, Lundberg
Woessner & Kluth P.A.

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Atty Ref/Docket No.: 224.009US1

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Steven MacWilliams and Arthur Brown

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[] Security Agreement

[] Change of Name

[] Other

City: Hastings State: MN ZIP: 55033-7219

Additional name(s) & address(es) attached? [] Yes [X] No

Execution Date: 07/25/00: 08/07/00

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

B. Patent No.(s)

Serial No. 09/516,683, filed March 1, 2000

Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Michael J. Schwegman

Address: Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

[X] Enclosed

[] Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our
Deposit account number: 19-0743

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Michael J. Schwegman/Reg. No. 25,816

Name of Person Signing

Signature

Date

Total number of pages including cover sheet: 4

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ASSIGNMENT

WHEREAS, WE, Steven MacWilliams, residing at 1211 Anita Place, Fullerton, CA 92831, and Arthur Brown, residing at 21701 Criptana, Mission Viejo, CA 92692, made certain new and useful inventions and improvements for which We filed an application for Letters Patent of the United States on March 1, 2000, which application was assigned U.S. patent application serial number 09/516,683, and is entitled LABEL AND METHOD FOR APPLYING.

AND WHEREAS, Smead Manufacturing Company, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 600 East Smead Boulevard, Hasting, MN 55033-2219, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 25TH day of JULY, 2000.

Arthur Brown
Arthur Brown

STATE OF CA.)

COUNTY OF ORANGE) ss.

On this 25TH day of JULY, 2000 before me personally appeared Arthur Brown to me

known and known to me to be the person described in and who executed the foregoing instrument, and

he she duly acknowledged to me that he she executed the same for the uses and purposes therein set forth.

[SEAL]



Janet Ann McDaniel
Notary Public

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

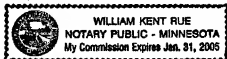
IN TESTIMONY WHEREOF, I have hereunto set my hand this 7 day of August, 2000.

Steven MacWilliams
Steven MacWilliams

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

On this 7th day of August, 2000 before me personally appeared Steven MacWilliams to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]



William Kent Rue
Notary Public